S.B. Civil Transfer Application No.32 Of 2006.
Smt. Rajeshwari Agarwal Vs. Shiv Dayal

Date Of Order ::: 23.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Anurag Sharma, Counsel for applicant-appellant
Mr. A.M. Khan, Counsel for non-applicant-respondent

By the Court :

Heard learned counsel for both the parties.

The applicant-Rajeshwari Agarwal has filed this transfer application under Section 24 of the Code of Civil Procedure, 1908 for transferring the Civil Miscellaneous Case bearing No.26/2006 pending before the Additional District Judge, Gangapur City, District Sawai Madhopur to the Court of competent jurisdiction at Bayana, District Bharatpur.

Learned counsel for the applicant submits that the applicant initiated a criminal proceedings against the respondent under Section 498-A I.P.C., on 2nd February 2006 and under Section 125 Cr.P.C., on 07.03.2006 at Bayana and only thereafter the respondent filed a present petition under Section 9 of the Hindu

Marriage Act at Gangapur City. He further contended that the respondent is already attending two cases at Bayana, therefore, it will be just and proper to transfer the present case also at Bayana. The respondent contended that the present case may not be transferred at Bayana and it may be transferred at Hindaun City, which will be nearer to both the parties. The other facts have not been controverted by him.

After considering the submissions of learned counsel for both the parties, I allow this transfer application and transfer the Civil Miscellaneous Case Case (Hindu Marriage Act) No.26/2006 from the Court of Additional District Judge, Gangapur City to the Court of Additional District Judge, Bayana.

A copy of this order may be sent to both the concerned Courts for doing the needful in the matter.

(Narendra Kumar Jain) J.

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